A Final Consolation

Felt, Miller Have Ample Funds for Appeal

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W. MARK FELT
... to remain in retirement

Six years after Richard Nixon left the White House, two men who held high posts in his administration stood before a judge here, convicted of violating the civil rights of innocent citizens by authorizing secret break-ins into their homes.

And it was the former president himself who offered a final note of consolation to W. Mark Felt and Edward S. Miller, both high-ranking officials of the Federal Bureau of Investigation during the Nixon years — and a footnote to an era when dozens of top government officials were convicted of crimes.

"I was not surprised but terribly disappointed to read of the jury's decision. I hope in appeal the verdict will be set aside," Nixon wrote in a letter mailed to Miller's Fairfax City home.

A few days later, both Miller and Felt received copies of Nixon's book, "The Real War." The former president inscribed an inside page in each man's book, "With appreciation for his years of service to the nation. Richard Nixon."

The former president was not

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EDWARD S. MILLER
... looking for a job

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alone in his sentiments. For thousands of retired and active bureau men, Felt and Miller were the victims of persecution, not prosecution. They paid a price, many believed, for doing their duty and were made to stand trial in a different era for the bad judgment of the past.

A week ago, in a dramatic climax to a prosecution that began inside the Justice Department four years ago, U.S. District Court Chief Judge William B. Bryant sentenced Felt and Miller to pay a total of $8,500 in fines for their conviction of conspiracy.

A legal fund established by a society of special FBI agents collected and spent 120 times that amount — $1,020,000 — for a legal defense team that worked for the two men since their indictment in April 1978.

Both men faced penalties of 10 years in jail, $10,000 in fines or both on their conviction of conspiring to authorize the break-ins — known in the bureau as black bag jobs — in a desperate search for clues to the whereabouts of fugitive members of the radical Weather Underground in the early 1970s.

The motivation behind the extraordinarily successful effort to raise funds for their defense was simple, said retired agent J. Allison Conley, who worked closely with the defense teams. It was, Conley said, "There but for the grace of God go I."

This week, both Felt and Miller formally notified the federal court that they will appeal their conviction, at an estimated cost of another $100,000. But the bureau men who have been unfailing in their financial and moral support are not discouraged, said retired agent James E. Fogarty, president of the Special Agents Legal Fund Inc.

"We feel honor bound to pay this because it could well be us," said Fogarty, who spent only five years with the bureau in the 1940s, but remained active in the former agents society. "But, ma'm, don't talk about me. Talk about those poor guys who took a licking down there."

Strangers telephoned Mark Felt's home in Alexandria after the sentence was imposed and offered to pay his fine. One man from Minnesota more than once offered to serve out any jail sentence.

While Felt, 67, said that he plans to remain in retirement, Miller, 57, who once worked as a part-time magistrate in Fairfax City, is looking for a job.

Last week, both men received letters from the president of a Kentucky-based food service company called Jerrico, which is looking for a security director. In the letter, company president Warren W. Rosenthal said he would personally pay the $8,500 in fines if either Felt or Miller joined his company, an offer both men turned down. Miller, however, plans to interview for the job.

Like so many others who rallied behind both defendants, Rosenthal protested in his letter, "It is my personal feeling that both [Felt and Miller] suffered unfairly at the expense of an overzealous judicial system."

But the Justice Department, which brought the case against Felt and Miller after a painful internal investigation, has long contended that their trial and the jury's verdict made it clear that government officials will not be permitted to overstep the legal protections guaranteed by the Constitution.

Even before the jury reached its verdict, Miller's neighbors in Fairfax City organized a "We Love You Ed Miller" committee and gathered 160 well-wishers into the Huddleston Memorial Library at the corner of Main Street for punch, coffeecake and a show of support.

"They said they didn't care if we were guilty or not guilty," said Miller's wife, Pat, who recalled how the library was decorated that day with red, white and blue streamers and tiny American flags. By the time the party was held, the verdict was in.

"It was awfully darn nice," Pat Miller said.